

**Notice of Proposed Changes in Regulations
of the Fish and Game Commission**

(Continuation of Register 2006, No. 35-Z, and Commission Meeting of August 4, 2006)

(NOTE: To be responsive to public input on proposed changes in the sport fishing regulations, the Commission is exercising its powers under Section 202 of the Fish and Game Code. Some changes to the proposed regulations may not be available to the public for the full public comment period prior to adoption. See the text of this notice.)

NOTICE IS HEREBY GIVEN that the Fish and Game Commission, pursuant to the authority vested by sections 200, 202, 205, 220 and 315 of the Fish and Game Code and to implement, interpret or make specific sections 200, 202, 205, 206 and 220 of said Code, proposes to amend sections 1.62, 1.63, 1.67, 2.00, 5.00, 5.80, 7.00, 7.50, 27.60, 27.65, 27.90, 27.95, 28.20, 29.70, 29.80, 195, and 701, Title 14, California Code of Regulations (CCR), as part of the proposed Sport Fishing Regulations for years 2007 through 2009 (as explained in the following two paragraphs).

Proposed changes to sections as set forth in the first notice regarding Sport Fishing Regulations (Notice Register 2006, No. 35-Z, published September 1, 2006) remain the same, **except for modifications based on additional public recommendations proposed for Sections 1.63, 2.00, 5.00, 7.50 and 29.80 (see Informative Digests below).**

In addition, changes have also been proposed to section 29.85 (see Informative Digests below).

Informative Digests/Policy Statement Overview

Amend Section 1.63
Re: Movement of Live Fish

Currently Section 1.63, Title 14, California Code of Regulations (CCR), reads "Except as provided in sections 4.00 through 4.30 and 230, live fin fish taken under the authority of a sport fishing license may not be transported alive from the water where taken."

The phrase "taken under the authority of a sport fishing license" creates a loophole. Juveniles under the age of 16 are not required to possess a sport fishing license when fishing. This means that a juvenile could transport live sport taken fin fish and not be in violation of the law. Additionally, it could be argued that persons taking fin fish without first obtaining a sport fishing license would not be in violation of this section.

Lake Davis is a prime example of the adverse effect of transporting certain fish species from one location to another. The lake, which once supported a superb rainbow trout fishery, has now been taken over by northern pike believed to be illegally transplanted from unknown sources outside of California or possibly from nearby Frenchman Reservoir, where pike had also been illegally introduced. This pike population now threatens native salmon and steelhead populations found downstream in the Sacramento-San Joaquin river systems and Delta.

This regulation proposal will remove the reference to sport fishing license to clarify that it is illegal to transport live fin fish from the waters where taken. These proposed regulations will reduce public confusion and improve enforceability of the regulations.

Amend Section 2.00
Re: Fishing Methods - General

Section 2.00, Title 14, California Code of Regulations (CCR), outlines statewide fishing methods in inland waters, with some exceptions. Currently, the section states that fish may be taken by "angling" with one closely attended rod and line. Angling is defined as, "to take fish by hook and line with the line held in the hand, or with the line attached to a pole or rod held in the hand or closely attended in such manner that the fish voluntarily takes the bait or lure in its mouth."

There is nothing in Section 2.00 that specifically states an individual cannot keep snagged fish. Section 2.00 is commonly used when a citation is written to a subject for keeping a snagged fish and when citing a subject for unlawfully using more than one line in inland waters. This citing section sometimes confuses court personnel. They see Section 2.00 and assume the citation was issued for using more than one line, which is less heinous, than unlawfully snagging and keeping a fish unlawfully.

Since the section does not specifically mention or define snagging, the language is confusing to judges and court personnel. In order to cite for Section 2.00 officers must also explain the definition of angling in their report as well as to the court. In addition, when laws are unclear or confusing there is greater propensity for courts to dismiss cases resulting in lost revenue to the Department.

This regulation proposal adds additional language that clearly states it is illegal to kill or retain a fish that did not actively take the bait or lure in its mouth, adds a definition of snagging, and requires these fish to be released immediately unharmed into the water. The proposed changes will reduce public confusion and improve enforceability of the regulations.

Amend Section 5.00 and subsections (b)(68.3) and (73.5), Section 7.50
Re: Black Bass Seasons in Inyo, Shasta, Modoc, and Mono Counties
and Repeal of Haiwee Reservoir Special Fishing Regulations

Under the current black bass regulations, it is legal to fish closed trout waters in Inyo and Mono counties for black bass all year. Enforcement staff is encountering increasing numbers of anglers that claim to be bass fishing while actually catch and release fishing for trout. During informal conversations with several anglers and one local fishing guide/outfitter, Enforcement has been told that some people are advocating catch and release trout fishing during closed trout season. In order to circumvent the current regulations, these anglers can claim to be bass fishing when contacted by a Warden. These areas are prized trout areas and the proposed regulation changes will help eliminate fishing for trout and the potential for hooking mortality on trout during the closed season.

Section 5.00(b)(5), is in direct conflict with Section 7.00(b)(7). Section 5.00 (b)(5) states that all waters of Mono County are open to black bass fishing all year while Section 7.00 (b)(7), states that Mono County waters are closed to all fishing when closed to trout fishing, except for unrestricted portions of Fish Slough which are open to fishing all year.

These proposed regulations will close the streams in the southwest portion of Inyo County (Section 7.00(b)(2), to black bass fishing when the trout season is also closed and align the Mono County regulations in sections 5.00(b)(5) and 7.00 (b)(7). These proposed regulation changes clarify conflicting regulations, reduce public confusion, and improve enforceability of the regulations.

Also in Inyo County, Haiwee Reservoir listed in sections 5.00(b)(16) and 7.50(b)(73.5), was closed by the Los Angeles Department of Water and Power (LADWP) to all public access, including fishing. This closure eliminates take-concerns outside of the general regulations and existing regulations could cause confusion for the public that the Haiwee Reservoir Special Fishing regulations may supersede LADWP's authority regarding trespass on LADWP lands. This proposed regulation is to remove Haiwee Reservoir from sections 5.00(b)(16) and 7.50(b)(73.5), to allow it to be covered under general fishing regulations and revise Section 7.50(b)(68.3), due to the renumbering of Section 5.00(b). This proposed regulation change will clarify conflicting regulations and reduce public confusion.

In Shasta County, Section 5.00(b)(7), allows for a year round black bass open season, while Section 7.00(b)(4), limits the trout fishing season on Big Lake to the last Saturday in April through November 15. Big Lake is fed by a series of artesian springs along its north shore in the vicinity of Ahjumawi Lava Springs State Park. The water temperature in winter months is warmer where the water flows from these springs and largemouth bass use this area as a thermal refuge. Local anglers have discovered this phenomenon and have been targeting largemouth bass during the trout fishing closure specified in Section 7.00(b)(4) which is intended to protect Fall River trout stocks. There is no biological evidence suggesting that the angling activity occurring at Big Lake has had any effect on Fall River trout populations. This regulation proposal will allow a winter catch and release fishery (November 16 through the last Friday in April) for black bass on Big Lake. Department of Fish and Game Enforcement staff and the local angling community are in support of the proposed regulation change. The proposal will remove

Big Lake from the Shasta County black bass regulations in Section 5.00 (b)(7) and place it in the Individual Bodies of Water section under a new Section 5.00(b)(9), with a season that runs from the last Saturday in April through November 15, with a 12" minimum size limit , daily bag of 5 and November 16 through the last Friday in April, daily bag limit of 0. This proposed regulation changes clarifies conflicting regulations, reduces public confusion, provides angling opportunity with negligible impacts on other aquatic resources, and improves enforceability of the regulations.

In Modoc County, Big Sage Reservoir is incorrectly identified as "Sage Reservoir" in Section 5.00(b)(4). The Big Sage Reservoir is the only correct name as shown on the Modoc National Forest and United States Geological Survey Quad series maps. This proposed regulation change would change the name to Big Sage Reservoir to provide consistency with identification of this body of water.

Minor changes are proposed to improve the clarity of the regulations.

Amend subsection (b)(1) of Section 7.50, and
Add subsection (b)(1.5) of Section 7.50
Re: Alameda Creek and Tributaries (Alameda Co.)

Current sport fishing regulations for Alameda Creek are governed by South Central Fishing District general regulations, which allow for a daily bag limit of five trout from the last Saturday in April through November 15.

This proposal requests that Alameda Creek and its tributaries be restricted during the general trout season to a zero bag limit, and the use artificial lures with barbless hooks only.

Historically, the Alameda Creek watershed has supported a steelhead trout population. Due to various factors related to population growth and land development, stream habitat conditions for steelhead have become degraded over time and the current steelhead population is at a low level. In 1997, steelhead trout along the central coast of California were listed as Threatened pursuant to the federal Endangered Species Act. Several local groups and governmental agencies are currently pursuing various avenues to restore Alameda Creek steelhead with identified action items of removing barriers to upstream migration, improving stream flows and restoring other stream habitat conditions to benefit steelhead. Because of the continued low adult steelhead population levels, angler harvest of juvenile steelhead should be curtailed until restoration activities have shown measured results in improving the numbers of adult steelhead utilizing Alameda Creek.

This proposal aims to protect juvenile steelhead/rainbow trout that are present in all waters of the Alameda Creek watershed. It is highly likely that many of the rainbow trout currently residing in Alameda Creek could exhibit an anadromous behavior by migrating to the ocean if given the opportunity. Therefore, rainbow trout currently residing within the Alameda Creek watershed would play a vital role in steelhead recovery, if steelhead habitat and migration avenues improve. During migration to the reservoirs for growth, the upper watershed rainbow trout population exhibits characteristics similar to those of juvenile steelhead emigrating from freshwater to the ocean. Assessments are currently underway to determine whether to use the upper watershed populations as genetic stock to jumpstart the anadromous steelhead run downstream once migration barriers in the lower watershed are remediated.

This proposal, therefore, provides for increased protection of juvenile steelhead/rainbow trout while also providing recreational, no-harvest fishing opportunities in Alameda Creek.

To retain consistency with the alphabetical order of streams in Section 7.50(b), it is recommended to assign Alanbique Creek a new subsection number of (b)(1.5) and assign Alameda Creek to subsection (b)(1).

Add subsection (b)(6.5) of Section 7.50
Re: Antelope Lake Tributaries (Plumas County)

Antelope Lake tributaries are currently regulated for trout fishing according to the Sierra District general regulations that allow for trout fishing in streams from the last Saturday in April through November 15. Spawning rainbow trout migrate from Antelope Lake to reproduce in Antelope Lake tributaries during mid-February through April. It has come to the Department's attention that a significant number of trout are still spawning in late April. The trout are highly vulnerable to harvest and harassment by anglers while spawning in the tributaries. This proposal would delay the opening of trout season in Antelope Lake tributaries approximately one month until the Saturday preceding Memorial Day. The end of trout season would remain unchanged at November 15, and bag limits would remain unchanged. The season change would be implemented by adding Antelope Lake tributaries to the alphabetical list of waters with special fishing regulations. This angling regulation amendment would offer added protection and enhancement for the naturally reproduced wild component of the Antelope Lake and Antelope Lake tributary trout population. Additionally, this proposed regulation would create consistency with the opening dates for other major Plumas County lakes (Almanor Lake, Bucks Lake, Butt Lake, and Davis Lake).

Amend subsection (b)(20) of Section 7.50
Re: Big Chico Creek (Butte Co.)

Current regulations in Big Chico Creek from Bear Hole to the upper boundary of the Big Chico Ecological Reserve provide for an open fishing season from November 15 through February 15. Only artificial lures with barbless hooks may be used and the bag limit is zero. This proposal recommends an extension to the current open season to allow a longer period for trout fishing opportunities. The new season recommendation is from November 1 through April 30.

Big Chico Creek currently supports a small remnant population of the state and federally listed spring-run Chinook salmon, and the federally listed steelhead trout. Additionally, late-fall and fall-run Chinook salmon spawn and rear in the lower reach of Big Chico Creek. Also found in the lower reach of the creek adjacent to the City of Chico are populations of bass and catfish that provide a popular recreational fishing opportunity. Spring-run Chinook salmon may enter Big Chico Creek as early as mid-February and will reside in the reach from Bear Hole to Higgins Hole Falls until spawning from mid-September through October. Steelhead enter the creek during the fall and winter dependent on flows, residing spawning and rearing in the reach from Bear Hole to Higgins Hole Falls.

This proposal will maintain protection for the listed spring run Chinook salmon and steelhead trout, while providing for expanded fishing opportunities. The proposed regulation allows a limited fishery after all spring run Chinook salmon have spawned, and due to the gear restriction and zero bag, affords a limited fishery without harm to steelhead trout. Additionally, the proposed regulation is compatible with regulations on nearby Yuba River, which also harbors populations of spring run Chinook salmon and steelhead trout.

Repeal subsection (b)(59) of Section 7.50
Re: Don Pedro Lake (Tuolumne Co.)

Current regulations close the Moccasin Creek Arm of Don Pedro Lake to fishing from October 16 through December 31 while the remainder of the lake is open to fishing all year. The Moccasin Creek restriction was implemented in 1984 at the request of the Department to protect adult inland salmon returning up Moccasin Creek from Don Pedro Lake to spawn. These adult salmon were used in the Department's experimental inland salmon brood-stock program. The rearing of salmon at Moccasin Creek Hatchery was terminated in 1985 and the release of salmon into the Moccasin Creek Arm is no longer being implemented. The current regulation closing the Moccasin Creek Arm to fishing during October 16 through December 31 is no longer necessary and this proposal recommends deleting the regulation.

Add subsections (b)(111) and (b)(145) of Section 7.50, and
Amend subsection (b)(196) of Section 7.50

Re: Truckee River and Tributaries (Nevada, Placer and Sierra Cos.)

Current regulations for the Truckee River from Lake Tahoe to the Nevada state line are divided into seven segments with different sport fishing regulations (Section 7.50(b)(196), Title 14, CCR). This array of regulations maintains opportunities for diverse trout fishing interests and addresses different trout management goals but is complex and may be a source of confusion for anglers.

The majority of the Truckee River falls under the Sierra Fishing District general regulations, which allow for a daily bag limit of five trout from the last Saturday in April through November 15. A long segment of the river with these general regulations, from 1,000 feet below Lake Tahoe downstream to Trout Creek, is managed to provide anglers opportunity to fish with bait or other gear and take five trout. Portions of this reach are stocked with hatchery trout. The reach of the Truckee River from Trout Creek to Gray Creek, which is managed for wild trout, has four separate segments with the same two-trout bag limit but differences in gear or length restrictions. Tributaries in this reach of the Truckee are governed with the Sierra Fishing District general regulations.

This regulation proposal reduces the number of river segments with different regulations. For the Trout Creek to Gray Creek reach, three of the four segments with existing differences would change to have the same special regulations for bag limit, size limit, and gear restriction. The fourth segment, Glenshire Bridge to Prosser Creek, would retain its existing artificial flies with barbless hooks regulation. For the three segments with the 15-inch minimum size limit a change is proposed to 14 inches total length. This would help simplify size-limit categories, as this existing 15-inch minimum limit on the Truckee is the only one of its kind in the trout regulations.

Two important spawning tributaries, Martis Creek and Prosser Creek, fall in the District general regulations. This proposal would change those regulations so that Martis Creek and Prosser Creek below the reservoirs on each stream would have the same special regulations as the wild trout segments on the Truckee River (2-trout bag limit, 14-inch minimum size and artificial lures with barbless hooks). This change would provide some protection for rainbow and brown trout that migrate from the Truckee into these streams to spawn. The segment of the Truckee from Gray Creek downstream to the California-Nevada state line is managed for wild trout. This proposal would change the existing District general regulations in this segment to match the special regulations in the wild trout segments upstream (two-trout bag limit, artificial lures with barbless hooks, 14-inch minimum size total length).

The proposal will retain a diversity of trout angling opportunities that reflect management options that emphasize both wild trout and hatchery trout. The proposal simplifies regulations in the river segments managed for wild trout. Five segments with existing differences in regulations would be consolidated so that four of the five would have the same regulations. There is considerable support in the local community for simplifying the Truckee River angling regulations

Amend subsection (b)(129) of Section 7.50; and Section 8.00(b)
Re: Napa River Special Regulations and Low Flow Restrictions

Presently the Napa River Special Regulations, Section 7.50(b)(129), Title 14, Code of California Regulations (CCR), allow salmon fishing in the main stem from the Lincoln Bridge in Calistoga to the Trancas Bridge. The Napa Resource Conservation District (RCD) aquatic biologists have been doing stream habitat and fishery surveys in the Napa River for the last few years. The RCD believes there is a significant Chinook spawning in the reach between the Lincoln Bridge in Calistoga and the Oakville Cross Road Bridge near Yountville. The RCD is concerned that the Napa River Chinook salmon run is in the 300-600 fish range, based on their own redd surveys. They are requesting the Department close this area to salmon fishing to protect the Chinook salmon redds.

The proposal would close the Napa River to salmon fishing year round between the Lincoln Bridge in Calistoga and the Oakville Cross Road Bridge near Yountville. Most of this reach is bordered by private land. This closure would result in a reduction of approximately 16 stream miles of river, and there is only one legal point for the public to access the river in this reach.

The Department at the RCD's request is proposing the Low Flow regulations (Section 8.00(b), Title 14, CCR) be revised to separate the Napa River from other Central Coast Streams which rely on 500 cubic feet per second (cfs) minimum flow from the Russian River gauge near Guerneville. This proposal would use the Napa River gauge near the city of Napa with a 15 cfs minimum flow for the Napa River. This proposal would use the stream hydrology of the Napa River instead of the unrelated flows measured on the Russian River in a different watershed.

The RCD will provide the Department with the necessary flow trigger information every Wednesday morning to update the public low flow closure notice maintained by the Department. The minimum flow of 15 cfs is a conservative number based on qualitative field experience of the RCD's aquatic biologists doing stream habitat and fishery surveys in the Napa River for the last few years. They are concerned that the Napa River Chinook salmon run ranges from 300 to 600 fish, based on their own redd surveys. Based upon the RCD's information, Chinook salmon may find their upstream passage impeded at minimum flows below 15 cfs following Department fish passage criteria.

This proposed change in the low flow restrictions will allow the Napa River restrictions to accurately monitor low fish passage conditions. It will help protect spawning adults under low flow conditions, when the success of the run may be impaired due to the inability of adults to reach the spawning grounds upstream, and may allow a few more adults to survive to spawn if flows come up later in the season.

The Department supports both these RCD proposals.

Amend Section 29.80
Re: Disturbance of Sport Crustacean Traps

Section 29.80, Title 14, CCR, specifies gear restrictions that apply for the recreational take of crustaceans, which may be caught by hand or with traps. In recent months, several Dungeness crab trap anglers have requested additional regulatory language be added to this Section that would prohibit unauthorized persons from taking crabs out of a recreational trap belonging to someone else.

Presently, general Penal Code provisions prevent theft of personal property, but because crabs that are enclosed in a trap have yet to be "possessed" by the trap owner, the crabs themselves are not the trapper's personal property. Therefore, there is no effective anti-theft enforcement mechanism at this time to prevent a recreational fisherman from "robbing" another sport trap.

The proposed language would make it unlawful to disturb, move, damage, or remove any saltwater crustacean from a trap that belongs to another person without written permission from the owner of the trap in his or her possession. By adding this provision to Section 29.80, it would apply for all crustacean traps, and therefore would be effective for sport prawn traps and hoop nets used for lobster, in addition to crab traps. The new regulations are intended to aid enforcement so that violators may be easily cited if caught pulling a trap that is not their own without written permission from the owner in his or her possession. They should also improve clarity and understanding for the public regarding this issue.

However, an enforcement officer must be able to establish who owns the trap in order to determine if a violation has occurred. Therefore, for a trap owner to benefit from enforcement of the proposed new regulation, he or she will need to label the trap and/or the trap buoy for identification purposes. If the trap's owner cannot readily be identified during patrol activities, the provision will have little force or effect.

Amend Section 29.85
Re: Sport Dungeness Crab Opening Dates

Section 29.85, Title 14, CCR, specifies the opening and closing dates for the recreational Dungeness crab season. In Del Norte, Humboldt and Mendocino counties, the fishery is open from the Saturday preceding December 1, or December 1 when it falls on Saturday, through July 30. In all other counties, the season is open from the Saturday preceding the second Tuesday in November, through June 30.

The Department proposes the Commission slightly modify the language of these opening dates to improve clarity and understanding for the public. The proposed regulations would read so that in Del Norte, Humboldt and Mendocino counties, the fishery would be open from the last Saturday in November

through July 30, and that in all other counties, the fishery would be open from the first Saturday in November through June 30. The simplified regulatory text should make it easier for most anglers to determine the opening date quickly, and possibly without needing to consult a calendar.

In comparing each year's opening date under the proposed regulatory language with the opening date that results under the current regulatory text, the actual opening date will be the same in most years, and thus, the proposed regulation change is expected to have no real effect on the water. The "head start" that the sport fishery is provided in advance of the commercial opener will continue for all areas of the state, and for about the same number of days.

NOTICE IS GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held at the Hubbs-Sea World Research Institute, Shedd Auditorium, 2595 Ingraham Street, San Diego, California, on Friday, October 6, 2006 at 8:30 a.m., or as soon thereafter as the matter may be heard.

NOTICE IS ALSO GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held at the City Council Chambers, 777 Cypress Avenue, Redding, California, on November 3, 2006, at 8:30 a.m., or as soon thereafter as the matter may be heard. It is requested, but not required, that written comments may be submitted on or before Friday, October 27, 2006 at the address given below, or by fax at (916) 653-5040, or by e-mail to FGC@dfg.ca.gov, but must be received no later than Friday, November 3, 2006 at the hearing in Redding. All correspondence, including E-mail, must include the true name and mailing address of the commenter.

NOTICE IS FURTHER GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held at the Santa Monica Library, Martin Luther King Jr. Auditorium, 601 Santa Monica Blvd., Santa Monica, CA, on December 8, 2006, at 8:30 a.m., to consider adoption of the proposed Sport Fishing Regulations for the 2007 through 2009 seasons. Additional testimony on the proposed regulations may be received if substantive changes result from the November 3, 2006, meeting or if regulatory alternatives are under consideration.

Draft environmental documents associated with the proposed regulatory actions are made available for comment commencing September 13, 2006. Oral or written comments relevant to these documents will be received at the October 6, 2006, meeting in San Diego. Written comments on these documents may be submitted to the Commission office (address given herein) until 5:00 p.m., November 7, 2006. Draft environmental documents are available for review at the Commission office and at the Department of Fish and Game's headquarters office (same address as Commission). Copies of the documents are also available for review at the Department offices in Redding, Rancho Cordova, Yountville, Fresno, Bishop, Eureka, Menlo Park, Monterey, Ontario and San Diego. **NO WRITTEN COMMENTS ON THE DRAFT ENVIRONMENTAL DOCUMENTS WILL BE ACCEPTED AFTER 5:00 P.M. ON NOVEMBER 7, 2006.**

The regulations as proposed in strikeout-underline format, as well as an initial statement of reasons, including environmental considerations and all information upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, John Carlson, Jr., Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244-2090, phone (916) 653-4899. Please direct requests for the above mentioned documents and inquiries concerning the regulatory process to John Carlson, Jr., or Jon D. Snellstrom at the preceding address or phone number. **Scott Barrow, Department of Fish and Game, phone (916) 651-7670, has been designated to respond to questions on the substance of the proposed regulations.** Copies of the Initial Statement of Reasons, including the regulatory language, may be obtained from the address above. Notice of the proposed action shall be posted on the Fish and Game Commission website at <http://www.fgc.ca.gov>.

Availability of Modified Text

If the regulations adopted by the Commission differ from but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Circumstances beyond the control of the Commission (e.g., timing of Federal regulation adoption, timing of resource data collection, timelines do not allow, etc.) or changes made to be responsive to public recommendation and comments during the regulatory process may preclude full compliance with the 15-day comment period, and the Commission will exercise its powers under Section 202 of the Fish and Game Code. Regulations adopted pursuant to this section are not subject to the time periods for adoption, amendment or repeal of regulations prescribed in Sections 11343.4, 11346.4 and 11346.8 of the Government Code. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency representative named herein.

If the regulatory proposal is adopted, the final statement of reasons may be obtained from the address above when it has been received from the agency program staff.

Impact of Regulatory Action

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following initial determinations relative to the required statutory categories have been made:

- (a) Significant Statewide Adverse Economic Impact Directly Affecting Business, including the Ability of California Businesses to Compete with Businesses in Other States:

Section 1.63

Re: Movement of Live Fish

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The proposed regulation clarifies existing regulations.

Section 2.00

Re: Fishing Methods - General

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The proposed regulation change clarifies existing regulations and adds a definition of snagging.

Sections 5.00 and Subsections 7.50(b)(68.3) and Repeal Subsection 7.50(b)(73.5)

Re: Black Bass Seasons in Inyo, Shasta, Modoc, and Mono Counties and Repeal of Haiwee Reservoir Special Fishing Regulations

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. These regulation changes simply clarify existing language and remove any angler perceived loopholes. No economic impacts are anticipated.

Subsections (b)(1) and (1.5) of Section 7.50

Re: Alameda Creek and Tributaries (Alameda Co.)

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The changes are necessary to protect juvenile and adult steelhead.

Subsection (b)(6.5) of Section 7.50
Re: Antelope Lake Tributaries (Plumas County)

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The proposed regulations increase fishing opportunities.

Subsection (b)(20) of Section 7.50
Re: Big Chico Creek (Butte Co.)

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The proposed regulations increase fishing opportunities.

Subsection (b)(59) of Section 7.50
Re: Don Pedro Lake (Tuolumne Co.)

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The proposed regulations increase fishing opportunities.

Subsections (b)(111) and (145) of Section 7.50
Re: Truckee River and Tributaries (Nevada, Placer and Sierra Cos.)

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The changes are necessary to simplify complicated regulations for the Truckee River and protect spawning trout in two important tributaries, Martis Creek and Prosser Creek.

Subsection (b)(129) of Section 7.50; and Section 8.00
Re: Napa River Special Regulations and Low Flow Restrictions

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The proposal will provide additional protection for Chinook salmon.

Amend Section 29.80
Re: Take of Crustaceans While Diving

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. Adding regulations that specify it is unlawful to disturb, move, damage, or remove any saltwater crustacean from a trap that belongs to another person without written permission is proposed to aid enforcement and improve clarity and understanding for the public.

Amend Section 29.85
Re: Sport Dungeness Crab Opening Dates

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The change is proposed only to improve clarity and public understanding of the sport Dungeness crab opening dates.

- (b) Impact on the Creation or Elimination of Jobs within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California: None.

- (c) Cost Impacts on a Representative Private Person or Business:
- The Commission is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.
- (d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None.
- (e) Nondiscretionary Costs/Savings to Local Agencies: None.
- (f) Programs Mandated on Local Agencies or School Districts: None.
- (g) Costs Imposed on any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4: None.
- (h) Effect on Housing Costs: None.

Effect on Small Business

It has been determined that the adoption of these regulations may affect small business.

Consideration of Alternatives

The Commission must determine that no reasonable alternative considered by the Commission, or that has otherwise been identified and brought to the attention of the Commission, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

FISH AND GAME COMMISSION

Dated: September 19, 2006

John Carlson, Jr.
Executive Director